UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,918	12/27/2000	Rajasekhar Sistla	10559-377001 / P10183	5348

		EXAMINER
20985 7590 11/19/2004		KISS, ERIC B

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ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
     NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *claims 5-8 and 22-29 under 35 U.S.C. §102(e) and claim 9 under 35 U.S.C. §103(a)*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments fail to overcome the grounds of rejection, as clarified below.
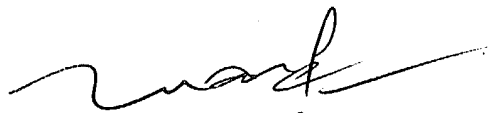
In rejecting claim 5, a more relevant portion of the cited '642 patent would be, for example, col. 7, line 66, through col. 8, line 36. In this cited portion of the reference, the client set-up program passes user-specific information contained in netparam.ini, including the networking parameters, to the network class installer (information on the user-specific data can be found, for example, in col. 5, line 66, through col. 6, line 20), thus selecting a shortcut to a shared network location from the computer.

As per claim 6, the Examiner maintains that "C:\SmallBusiness\scw.exe", as shown in the Run dialog of Fig. 3a, is in fact an operating system command line which is to be executed.

Applicant's arguments with regard to claim 7 amounts to mere allegations of patentability and do not specifically point out how the claims are distinguished over the prior art of record. For example, Applicant has failed to support the allegation that a client setup program, which configures the client computer's software, is different from the claimed software setup program.

As per claim 8, the claim requires that the process-initating event be PART OF a user login sequence to the computer (emphasis added). A more relevant portion of the cited '642 patent would be, for example, col. 7, line 66, through col. 8, line 36. In this cited portion of the reference, the client set-up program, in addition to loading and binding the protocol, also establishes login parameters for the client, and is thus "part of" a user login sequence to the computer, i.e., the user login sequence depends on those paramenters set by the client set-up program.

As per claim 9, the Examiner asserts that merely reciting "the computer to setup" does not constitute "teaching away" from the proposed combination. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In view of the state of the art, in which the practice of mass deployment of software is known (an known to have several benefits), the Examiner maintains that the addition of such mass deployment would not, by itself, constitute a novel, non-obvious feature. The Examiner further maintains that such mass deployment of software may be considered admitted prior art as Applicant has not submitted a seasonable challenge to the Examiner's claim that such is well known and practiced.

TUAN DAM
SUPERVISORY PATENT EXAMINER